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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 7, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE-2001-00422

Ex Parte: In the matter
concerning the Rules Governing
Certification and Maintenance
of Notification Centers

ORDER ADOPTING RULES

This Order promulgates revised rules governing the certification and maintenance of notification centers. In 1989, the General Assembly amended § 56-265.16:1 of the Code of Virginia ("Code") and directed the State Corporation Commission ("Commission") to promulgate rules governing the certification of notification centers. Thereafter, the Commission adopted Rules Governing the Certification of Notification Centers ("existing rules"), effective October 3, 1990.¹

¹ See Commonwealth of Virginia, At the relation of the State Corporation Commission, Ex Parte: In the matter of adopting Rules Governing the Certification of Notification Centers pursuant to § 56-265.16:1 of the Code of Virginia, Case No. PUE-1990-00033, 1990 S.C.C. Ann. Rept. 344.

Effective April 9, 2002, the new Case Management System requires that the case number format for all Commission orders change from, e.g., PUE010663 to the following: PUE-2001-00663.

The 2001 General Assembly further amended § 56-265.16:1 of the Code effective July 1, 2001. See 2001 Va. Acts ch. 399. As amended, § 56-265.16:1 D of the Code provides that:

Every Commission action regarding the optimum number of notification centers, the geographic area to be served by each notification center, the promulgation of notification center regulations, and the grant, amendment, or revocation of notification center certifications shall be made in furtherance of the purpose of preventing or mitigating loss of, or damage to, life, health, property or essential public services resulting from damage to underground utility lines.

The statute further directs the Commission, in any action to approve or revoke any notification center certification, to:

1. Ensure protection for the public from the hazards that this chapter [Chapter 10.3 of the Code] is intended to prevent or mitigate;
2. Ensure that all persons served by the notification center receive an acceptable level of performance, which level shall be maintained throughout the period of the notification center's certification; and
3. Require the notification center and its agents to demonstrate financial responsibility for any damages that may result from their violation of any provision of this chapter. Such requirement may be met by purchasing and maintaining liability insurance on such terms and in such amount as the Commission deems appropriate.

In accordance with the amended statute and to facilitate the review of our currently-effective rules, we entered an Order

Establishing Investigation and Inviting Comments on July 30, 2001. This Order solicited public comment on a number of issues (Attachment A to the Order) relating to certification, operation, and maintenance of a notification center and encouraged interested parties to propose rules corresponding to the issues set forth in Attachment A to the Order. The Order also provided for the publication of notice of the investigation and rulemaking; it also instructed the Staff to file a report summarizing and responding to the comments filed in the proceeding and proposing revisions to the rules adopted in 1990, where appropriate.

The Staff filed its report in this proceeding on November 9, 2001. This report summarized the filed comments, discussed the development of the rules governing the certification of notification centers in Virginia, reviewed national "best practices" relative to operation and maintenance of a notification center, and proposed specific revisions and additions to the existing rules.

On November 14, 2001, the Commission entered an Order inviting interested persons to file comments or request a hearing on the Staff's proposed "Rules Governing the Certification and Maintenance of Notification Centers" attached to that Order.

In response to this Order, we received comments from parties that included vendors assisting the existing notification centers, the currently-certificated notification centers, excavators, and operators. The Virginia Underground Utility Protection Service, Inc. ("VUUPS"), and Northern Virginia Utility Protection Service, Inc. ("NVUPS"), filing jointly, and One Number Information Systems, Inc. ("ONIS") requested a hearing on various rules proposed by the Staff. Many of those filing comments reserved the right to participate in any further proceedings in this matter.

Accordingly, by Order of January 16, 2002, and Amending Order of February 7, 2002, we scheduled a public hearing for March 6, 2002. These procedural orders directed Staff to prefile its direct testimony on February 5, 2002, and the parties to file either testimony or statements adopting their comments on February 15, 2002. Parties planning to adopt their comments and not planning to add any additional comments or testimony were directed to notify the Commission in writing of such intent on or before February 25, 2002. The Staff was further ordered to prefile its rebuttal testimony, if any, by February 15, 2002.

A public hearing on the proposed rules was convened before the Commission on March 6, 2002. Mark I. Singer, Executive Director of the Virginia Utility & Heavy Contractors Council;

Johnnie Barr, Vice President of Ward & Stancil, Incorporated, a site development contractor; and Gray Pruitt, a contractor, testified as public witnesses. Testimony was presented by witnesses for Staff, One Call Concepts, Inc. ("OCCI"), Washington Gas Light Company ("WGL"), Verizon Virginia Inc. and Verizon South Inc. (collectively, "Verizon"), Appalachian Power Company d/b/a American Electric Power ("APCO"), ONIS, the cooperatives,² Virginia Power, and VUUPS and NVUPS.

The Commission invited counsel to file post-hearing briefs three weeks after the transcript was filed in this case, i.e., by April 18, 2002. Post-hearing briefs were jointly filed by VUUPS and NVUPS, and by Virginia Power, Verizon, APCO, WGL, OCCI, ONIS, and the Staff.

NOW, upon consideration of all comments received, the evidentiary record, the post-hearing briefs, and the applicable law, the Commission is of the opinion and finds that the Rules set out in Attachment A hereto should be adopted, effective June 7, 2002. We commend the participants in the proceeding for

² The cooperatives consist of A&N Electric Cooperative, BARC Electric Cooperative, Central Virginia Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Inc., Northern Virginia Electric Cooperative, Powell Valley Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, Southside Electric Cooperative, and the Virginia, Maryland & Delaware Association of Electric Cooperatives.

their cooperation in focusing the issues we are called upon to decide.

As is evident from Attachment A, we have reorganized the rules into three distinct parts:³ Subsection A of the rules addresses matters of general applicability to the notification centers; subsection B details the information required in an application to obtain a certificate for a notification center; and subsection C delineates the operational standards for such centers.

While we will not comment on all of the revisions we have made to the rules proposed by the Staff, we will address the following provisions of the amended rules that, in our opinion, merit additional discussion and were the subject of comment and testimony at the hearing: subdivisions 20 VAC 5-300-90 A 6,⁴ 90 B 3(e); 90 C 18; 90 A 11; 90 A 13; and 90 B 3(c). We will also discuss VUUPS' and NVUPS' proposal to require notification centers to be operated by employees of the certificate holder and on a not-for-profit basis (Exhibit 7). Additionally, we will address the filing requirements of Rule 90 A 8 for

³ In addition to the reorganization, we have made a number of changes to the proposed rules. Most of these changes are for clarification purposes or changes in form.

⁴ For ease of reference, the designation 20 VAC 5-300 will be dropped. The reader should assume this is the title and chapter for all rules discussed in this Order unless specifically stated otherwise. For example, when the Order refers to "Rule 90 A 6," it should be understood that this refers to 20 VAC 5-300-90 A 6.

notification centers using or planning to use agents or vendors to provide the primary notification service. Finally, we will discuss new Rule 90 A 14 that permits the waiver of these rules under certain conditions in furtherance of the purposes of § 56-265.16:1 of the Code of Virginia.

Rules 90 A 6 (Staff Proposed Rule F 19), 90
B 3(e), and 90 C 18 - Performance Standards
for Notification Centers

Staff's proposed Rule 90 F 19 would require that the performance levels recommended by the U.S. Department of Transportation's "Common Ground Study of One-Call Systems and Damage Prevention Best Practices" Report (the "Common Ground Report") ("best practices") be achieved by each center. VUUPS and NVUPS, among others, oppose the carte blanche application of these performance standards to all notification centers in Virginia.

We agree that performance standards for a notification center are essential to ensure that a notification center complies with the requirement of subsection D of § 56-265.16:1 relative to the provision and maintenance of acceptable performance throughout the period of a notification center's certification. We will therefore adopt Rule 90 A 6 that requires each notification center to have and meet performance standards approved by the Commission in order to promote accuracy, cost effectiveness, operational efficiency, and

customer satisfaction. Applicants for a certificate must include proposed standards as part of their applications. Currently-certificated notification centers must file their performance standards within 60 days of the effective date of this section with the Commission for approval. Rule 90 B 3(e) incorporates by reference the requirements of subsection 90 A 6 discussed above.

The "best practices" standards are retained as a benchmark for performance in Rule 90 C 18, in that certificated notification centers must compare their performance standards to the best practice standards then in effect as part of their periodic reports to the Commission. Standards of performance may be changed on motion of the notification center, the Commission, or Staff, after notice and an opportunity to be heard. See Rule 90 A 6. These rules provide flexibility to a notification center and the Commission to vary requirements from the "best practices" set forth in the then-current Common Ground Report.

Rule 90 A 11 (Staff Proposed Rule 90 P) -
Composition of a Notification Center's
Governing Body

As proposed by Staff, Rule 90 P provides that the center's governing body be made up of representatives of all stakeholders including various utility types, excavators, locators, local governments, and the Virginia Department of Transportation.

NVUPS and VUUPS, WGL, APCO, and Virginia Power asserted in testimony and argument that as members of the notification centers, operators are financially responsible for, and have a special interest in, the operation of notification centers. These and other operator participants in this proceeding assert that the composition of a notification center's governing body should be left solely to the notification center's discretion.

The record before us indicates that many notification centers throughout the country include non-operator representatives as part of their governing bodies. See Exhibit 19. Indeed, VUUPS, the certificated notification center for areas south of the Rappahannock River, has one non-operator member sitting on its board. Transcript at 226-227. Public witness Mark Singer explained the benefits of non-operator participation as part of the governing bodies of notification centers. Transcript at 44-48. We require in Rule 90 A 11 that at least 20 percent of the voting members of the notification center's governing body be composed of individuals who are not utilities or operators; nor may such individuals be employed by a utility or an operator.⁵ In adopting such a rule, we recognize the value non-operator members may offer to the governing body

⁵ As defined in § 56-265.15 of the Underground Utility Damage Prevention Act, Chapter 10.3 (§ 56-265.15 et seq.) of Title 56 of the Code, an "'Operator' means any person who owns, furnishes or transports materials or services by means of a utility line."

of a notification center, and also preserve the important interests of operators in formulating notification center policies by permitting the great majority of the governing body of a notification center to be made up of operators or their representatives.

Rule 90 A 13 (Current Rule 90 J) -
Suspension or Revocation of a Notification
Center's certificate

Current Rule 90 J provides that excessive complaints against a certificated notification center or violations of the rules are grounds for suspension or revocation of a notification center's certificate. Staff proposed a change that would make a single violation of the rules or a violation of the Act a basis for suspension or revocation of a center's certificate. NVUPS and VUUPS opposed this revision and presented testimony that the rule would have the effect of allowing the Commission to revoke a certificate for a single violation of the rules or the Act without giving the certificate holder an opportunity to remedy the violation. They argued in their post-hearing brief that the Commission should adopt a rule applying the procedures permitted by § 56-265.6 of the Code. Post-Hearing Brief of NVUPS and VUUPS at 9-10. According to these parties, this procedure would give notification centers an opportunity to defend their performance and correct any performance found to be inadequate by the Commission.

We disagree that such a procedure is appropriate. Section 56-265.16:1 D of the Code instructs the Commission that its actions regarding the promulgation of notification center certification regulations, and the grant, amendment, or revocation of notification center certifications shall be made in furtherance of the purpose of preventing or mitigating loss of, or damage to, life, health, property, or essential public services resulting from damage to underground utility lines. This statute directs that any Commission action to approve or revoke any notification center certification shall (i) ensure protection for the public from the hazards the Act is intended to prevent or mitigate, (ii) ensure that all persons served by the center receive an acceptable level of performance and maintenance of this level of performance throughout the period of the notification center's certification, and (iii) require the notification center and its agents to demonstrate financial responsibility for damages that may result from their violation of any provisions of the Act.

We have revised Rule 90 A 13 to include the statutory principles identified in § 56-265.16:1 D, i.e., we may suspend or revoke a notification center's certificate as a result of a violation of the section, a Commission order, or the Act if we find that the notification center or its agent or vendor has not, or is not currently, or cannot in the future: (1) ensure

protection for the public from the hazards the Act is intended to prevent or mitigate, (2) ensure that all persons served by the center receive an acceptable level of performance, and (3) be financially responsible for any damages that may result from the center's violation of the law or rules. Rule 90 A 13 provides that the center will be given notice of the allegations against it and provided an opportunity to be heard before we make a determination affecting a notification center's certification. During such a proceeding, a center may present its defense and any actions it has taken or intends to take relative to the allegations made against it, and may make its arguments why suspension or revocation of the certificate should not occur.

Finally, we have revised Rule 90 A 13 to remove the reference to excessive complaints. Numerous complaints against a center in and of themselves should not be the basis for suspension or revocation of a certificate. Only if the criteria identified in § 56-265.16:1 D and Rule 90 A 13 are imperiled should the extreme remedy of suspension or revocation of a certificate be available for consideration.

Rule 90 B 3(c) (Existing Rule 90 I) -
Support for an Application for a Certificate

Existing Rule 90 I ("51% rule") permits the filing of an application for a certificate to operate a notification center

to be submitted for any geographic area (i) for which a certificate has been previously granted by the Commission, or (ii) in which a notification center exempt from the requirements of § 56-265.16:1 of the Code is currently operating, if such application is supported by the operators of the underground facilities responsible for more than half of the ticket volume applicable to Virginia of the existing notification center during the most recent 12-month period preceding the filing of the application for which data is available. Staff recommended that this rule be deleted. The operators participating in this proceeding and NVUPS and VUUPS support the retention of this rule.

In our view, the 51% rule should not be retained. A notification center must be able to ensure that "all persons" it serves receive an acceptable level of performance. See § 56-265.16:1 D 3 of the Code. Consequently, Rule 90 B 3(c) provides that applicants for a notification center must file material detailing the support of persons who may be impacted by the services provided by the notification center, i.e., excavators, operators, contract locators, property owners, and localities, not only the operators responsible for ticket volumes. All persons impacted by the service are those who are "served" by the notification center. Such persons are served by way of being able to notify the center of impending excavations,

receiving information regarding the status of such notices, receiving notifications of a proposed excavation, and, in turn, advising the centers that underground utilities have been marked or have no underground utility lines that may be affected by a proposed excavation. Operators, government officials, or other members of the public who may be impacted by the services provided by the notification center will have the opportunity to participate either in support of or in opposition to applications for certification in accordance with the provisions of the Commission's initial order docketing a certificate application for consideration. See Rule 90 B 2.

Operation of a Notification Center by
employees of a certificate holder and on a
non-profit basis

VUUPS and NVUPS proposed in Exhibit 7 to revise Staff's proposed Rule 90 F to require a notification center to be operated by employees of the certificate holder and on a non-profit basis. We decline to adopt these proposals. Section 56-265.16:1 of the Code does not require that notification centers be operated by employees of the certificate holder. Such a broadly-worded rule, if adopted, could foreclose a notification center from outsourcing any part of its functions, such as billing. Further, there was no showing in this record that vendors or agents could not provide a notification center's functions efficiently, economically, effectively, adequately,

and in accordance with § 56-265.16:1 of the Code and these rules.

We further decline to adopt a rule requiring notification centers to be operated on a non-profit basis. In our view, § 56-265.16:1 does not express a preference for profit or non-profit notification centers. If a for-profit notification center can perform the functions essential to a notification center efficiently, economically, effectively, adequately, and in accordance with § 56-265.16:1 of the Code and these rules, its operation should not be prohibited by regulation.

Rule 90 A 8 - Use of Agents or Vendors

Closely related to the foregoing discussion is Rule 90 A 8. This rule recognizes that notification centers may choose to use agents or vendors to provide the primary notification service. If a notification center uses an agent or a vendor to provide primary notification service, it must file information with the Commission relative to the vendor's or agent's qualifications to provide these services. The notification center retains the discretion to use vendors or agents who perform primary notification services but must under this Rule provide information about the vendor's or agent's qualifications to provide the primary notification service. In this way, the Commission may comply with the requirements of § 56-265.16:1 D.

Rule 90 A 14 - Waiver of Rules

Rule 90 A 14 has been added to grant the Commission discretion to waive any of the provisions of the rules governing notification center certification, operation, and maintenance of notification center or centers upon such terms and conditions as we deem appropriate consistent with the provisions of § 56-265.16:1 of the Code of Virginia. We have included similar rules in other rulemakings.⁶ Rule 90 A 14 offers the necessary flexibility to waive any provision of the rules where appropriate consistent with the provisions of § 56-265.16:1 of the Code.

Accordingly, IT IS ORDERED THAT:

(1) The Rules governing certification, operation, and maintenance of notification center or centers, appended hereto as Attachment A, are hereby adopted, effective June 7, 2002.

(2) A copy of this Order and the Rules adopted herein shall be forwarded to the Virginia Register of Regulations for publication.

(3) There being nothing further to be done in this matter, this case shall be dismissed from the Commission's docket of

⁶ An example where we have included a waiver provision in another rulemaking is Rule 20 VAC 5-200-300 A 11 of our rules governing utility rate increase applications and annual informational filings ("rate case rules") adopted in Case No. PUA-1999-00054. That rule permits the Commission the right to waive any or all parts of the rate case rules for good cause shown.

active proceedings, and the papers filed herein shall be placed in the Commission's file for ended causes.

CHAPTER 300.

ENERGY REGULATION, IN GENERAL

20 VAC 5-300-90. Rules governing certification, operation, and maintenance of notification center or centers.

A. General provisions. The general provisions applicable to a notification center are:

1. The purpose of this section is to establish minimum standards and requirements for the operation and maintenance of a notification center or centers in Virginia. This section also details application requirements for those desiring to serve as a notification center pursuant to § 56-265.16:1 of the Code of Virginia.

2. The commission may conduct hearings on matters related to notification centers including, but not limited to the grant, amendment, suspension, or revocation of certificates issued under § 56-265.16:1 and performance standards and other matters related to the requirements of or enforcement of this section or the provisions of Chapter 10.3 (§ 56-265.14 et seq.) of Title 56 of the Code of Virginia, as necessary.

3. Only one notification center shall be granted a certificate for a given geographic area.

4. Only one toll-free number shall be used across the Commonwealth to contact the notification center or centers regarding proposed excavation.

5. Each notification center shall at a minimum comply with the operational standards detailed in subsection C of this section.

6. Each notification center shall have and meet performance standards approved by the commission in order to promote accuracy, cost effectiveness, operational efficiency, and customer satisfaction. The performance standards shall include, at a minimum, standards for indices such as: Average Speed of Answer, Abandoned Call Rate, Busy Signal Rate, Customer Satisfaction and Locate Request Delivery criteria. The standards approved by the commission may be amended upon the request of the notification center, the commission's motion, or the staff's motion, after notice and an opportunity to be heard. Applicants for a certificate shall include proposed performance standards as part of their applications. Notification centers currently holding certificates shall file with the commission their proposed performance standards within 60 days of June 7, 2002.

7. Unless otherwise provided, updates of plans, procedures, programs and information required by this section shall be filed with the commission at least 60 days prior to the implementation of any substantive change to such plans, procedures, programs and information.

8. Notification centers that use or plan to use agents or vendors to provide the primary notification service shall file information relative to the vendor or agent's qualifications to provide these services with the commission. Applicants for a certificate that propose to use an agent or vendor to provide the primary notification service shall file such information as part of their applications. Notification centers currently holding certificates shall file such information with the commission within 60 days of June 7, 2002. A notification center that desires to change vendors or agents providing the primary notification service shall file information relative to the new vendor or agent's qualifications to provide these services with the commission at least 90 days prior to the change in agent or vendor.

9. The commission's Damage Prevention Advisory Committee ("committee") shall review the codes and subcodes used for the operation of the Ticket Information Exchange

System. Each notification center shall consider the committee's recommendation relative to the codes and subcodes before their implementation.

10. Each notification center shall assist member operators and the commission in devising an effective public education/awareness plan regarding underground utility damage prevention as required by §§ 56-265.16:1 E and 56-265.32 B of the Code of Virginia.

11. At least 20 percent of the voting members of each notification center's governing body shall be composed of individuals who are neither utilities or operators nor employed by a utility or an operator. This 20 percent shall be comprised of individuals that may be impacted by the services provided by the notification center, including excavators, contract locators, property owners, and governmental entities that are not operators or utilities.

12. No notification center shall abandon or discontinue service except with the approval of the commission and upon such terms and conditions as may be prescribed.

13. A violation of any provision of this section, a commission order, or the Underground Utility Damage Prevention Act ("Act") may be grounds for suspension or

revocation of the notification center's certificate if the commission finds that the notification center or its agent or vendor providing the primary notification service has not, is not currently, or cannot in the future, (i) ensure protection for the public from the hazards that the Act is intended to prevent or mitigate; (ii) ensure that all persons served by the notification center receive an acceptable level of performance; and (iii) be financially responsible for any damages that may result from the notification center's violation of the law or this section. In all proceedings pursuant to this section, the commission shall give notice to the notification center of the allegations against it and shall provide the notification center an opportunity to be heard concerning such allegations prior to making a determination concerning the notification center's certification.

14. The commission may waive any provisions of this section and shall consider requests for waivers of any provisions of this section on a case-by-case basis. The commission may grant a waiver upon such terms and conditions as the commission deems appropriate consistent with the provisions of § 56-265.16:1 of the Code of Virginia.

B. Application requirements. The requirements for an application for a certificate as a notification center are as follows:

1. An original and 15 copies of an application for a certificate shall be filed with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall contain all the information and exhibits required herein.

2. Notice of the application shall be given to the public, governmental officials and to operators within the applicant's proposed service area as required by the commission in its initial order docketing the case for consideration.

3. The application shall, at a minimum, include the following information:

(a) The applicant's (i) name, corporate address, and telephone number; (ii) corporate ownership; (iii) corporate parent or parents' names, addresses and telephone numbers, if applicable; (iv) officers and directors or, if the applicant is not a corporation, a list of the principals and their directors if said principals are corporations; and (v) legal counsel's names, addresses and telephone numbers;

(b) Maps depicting the areas of the Commonwealth in which the applicant is proposing to act as a notification center. Any maps and certificates for notification centers, if granted, will be retained on file in the commission's Division of Energy Regulation;

(c) Material detailing the support of persons who potentially may be impacted by the services provided by the notification center, including excavators, operators, contract locators, property owners, and localities;

(d) A written comprehensive operating plan detailing the notification center's organizational structure, corporate form, governing structure, personnel qualification criteria, operating budget, financial resources, disaster recovery plan, procedures designed to ensure compliance with this section, and descriptions of physical facilities, computer hardware, software systems, communication facilities, and security and protection components;

(e) Proposed performance standards designed to promote accuracy, cost effectiveness, operational

efficiency, and customer satisfaction as required by subdivision A 6 of this section;

(f) All information necessary to demonstrate clearly the applicant's ability to comply with this section and to meet and implement the operational standards detailed in subsection C of this section; and

(g) In the event the applicant proposes to use an agent or vendor to provide the primary notification service, information required by subdivision A 8 of this section.

C. Operational standards. At a minimum, each notification center shall:

1. Be capable of being contacted by means of a toll-free telephone call, teletype, telecopy or personal computer;
2. Be open to participation by any operator of underground utility lines within the notification center's service area granted by the commission;
3. Make filings required by § 56-265.16:1 of the Code of Virginia;
4. Provide emergency service, as needed, 365 days a year, 24 hours per day, and provide regular service Monday

through Friday, 7:00 a.m. through 5:00 p.m., excluding legal state and national holidays;

5. Maintain such equipment and personnel necessary to ensure a minimum level of performance as detailed in this section and as approved by the commission;

6. Transmit, within one hour of receipt, notices of proposed excavation to member operators by teletype, telecopy, personal computer, or telephone;

7. Transmit, within five minutes of receipt, notice of emergency excavation to member operators by teletype, telecopy, personal computer, or telephone;

8. Maintain adequate equipment to voice record all incoming calls, record all transmissions (tickets or notices) of proposed excavations to member operators and retain those records or recordings for a minimum of six years;

9. Maintain liability insurance coverage on such terms and in such amounts deemed appropriate by the commission;

10. Maintain detailed maps or electronic means depicting the member operator's service areas with underground utility lines and pass on to operators the specific site address or, where addresses do not exist, any

combination of multiple points of reference for the site of the proposed excavation such as the distance and direction to the nearest intersection of named or numbered public roads, latitude/longitude, and highway/railroad/pipeline mile markers, etc.;

11. Inform the person giving notice of a proposed excavation of the time frame within which an operator must respond to the notification;

12. Provide the person giving notice of a proposed excavation a ticket number and the names of member operators who will be notified for each locate request;

13. Time and date stamp responses to the Ticket Information Exchange System provided by operators and contract locators;

14. Have interactive data communication equipment to permit remote data entry for member operators and excavators;

15. Have a formal and effective training program for the notification center's employees;

16. Have procedures and practices designed to reduce over-notification;

17. Have a detailed disaster recovery plan that enables the notification center to continue acceptable operation during a disaster;

18. Meet or exceed the performance standards approved by the commission. The notification center shall provide to the commission periodic reports, no less frequently than once a quarter, detailing the various performance standards experienced by the notification center, and shall compare the notification center's standards to the standards found in the U.S. Department of Transportation's "Common Ground, Study of One-Call Systems and Damage Prevention Best Practices" Report (see <http://ops.dot.gov/damage.htm>) then in effect; and,

19. Verify regularly, no less frequently than annually, with the member operators the data provided to the notification center in accordance with 20 VAC 5-309-130 of the commission's Rules for Enforcement of the Underground Utility Damage Prevention Act.